

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PAMELA HOSIE, :  
Individually and on behalf of all others :  
similarly situated, :  
 : 07 Civ. 9515 (BSJ) (KNF)  
Plaintiff, :  
 :  
- against - :  
 :  
COLGATE-PALMOLIVE COMPANY :  
EMPLOYEE RETIREMENT INCOME :  
PLAN, COLGATE-PALMOLIVE :  
COMPANY, as Plan Administrator, :  
 :  
Defendants. :  
-----X

[Additional captions follow]

**NOTICE OF MOTION BY PLAINTIFFS PAMELA HOSIE, PAUL CAUFIELD, PAUL ABELMAN, VALERIE R. NUTTER, WARREN JEMMOTT, SUSAN BYRD, ADRIANA VASQUEZ AND CORA NELSON-MANLEY TO: CONSOLIDATE ERISA ACTIONS; APPOINT INTERIM CO-LEAD CLASS COUNSEL; AND FOR ENTRY OF PRETRIAL ORDER NO. 1**

-----X  
PAUL CAUFIELD, :  
Individually and on behalf of all others :  
similarly situated, :  
 : 08 Civ. 3316 (BSJ) (KNF)  
Plaintiff, :  
 :  
- against - :  
 :  
COLGATE-PALMOLIVE COMPANY :  
EMPLOYEES' RETIREMENT INCOME :  
PLAN :  
Defendant. :  
-----X

-----X  
PAUL ABELMAN, et al. :  
Individually and on behalf of all others :  
similarly situated, :  
 : 08 Civ. 3317 (BSJ) (KNF)  
Plaintiffs, :  
 :  
- against - :  
 :  
COLGATE-PALMOLIVE COMPANY, and :  
COLGATE-PALMOLIVE COMPANY :  
EMPLOYEES' RETIREMENT INCOME :  
PLAN, et al., :  
Defendants. :  
-----X

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on a date to be determined by the Court, Plaintiffs Pamela Hosie, Paul Caufield, Paul Abelman, Valerie R. Nutter, Warren Jemmott, Susan Byrd, Adriana Vasquez and Cora Nelson-Manley (“Plaintiffs”), by the undersigned counsel, will move this Court to enter [Proposed] Pretrial Order No. 1: (1) consolidating the above captioned actions and (2) appointing Schiffrin Barroway Topaz & Kessler, LLP (“SBTK”), Korein Tillery, LLC, (“Korein Tillery”), Gottesdiener Law Firm, PLLC (“Gottesdiener”) and Edgar Pauk, Esq. as Interim Co-Lead Class Counsel. In support of Plaintiffs’ motion, Plaintiffs aver as follows:

1. Plaintiffs in the above-referenced class actions (the “ERISA Actions”) filed Complaints for violations of the Employee Retirement Income Security Act of 1974 (“ERISA”) against Colgate-Palmolive Company Employee Retirement Income Plan (the “Plan”), Colgate-Palmolive Company (“Colgate”) and certain other fiduciaries of the Plan, a retirement plan established and sponsored by Colgate as a benefit for its employees. The ERISA Actions, each of which is currently pending before this Court: (a) allege substantially similar breaches of ERISA; (b) have overlapping classes of participants and beneficiaries of the Plan; and (c) seek to recover losses arising from the alleged breaches of ERISA.

2. By this Motion, Plaintiffs respectfully move this Court for an Order formally setting forth procedures for the efficient management of the ERISA Actions, including the appointment of a leadership structure for Plaintiffs’ counsel. Because the above-captioned ERISA Actions contain substantially similar allegations and seek the same form of relief, in accordance with the *Annotated Manual for Complex Litigation* (4th ed. 2008) (the “Manual”), in addition to consolidation, it is appropriate for the Court to enter an order setting forth procedures for the management of these cases and appointing a leadership structure for Plaintiffs’ counsel.

3. This Motion is based on the accompanying Memorandum of Law, the Declaration of Edward W. Ciolko, Esq., and all papers and pleadings on file in this and the related cases filed with this Court.

Dated: August 20, 2008

Respectfully submitted,

/s/ Edward W. Ciolko

**SCHIFFRIN BARROWAY  
TOPAZ & KESSLER, LLP**

Joseph H. Meltzer (admitted *pro hac vice*)  
Edward W. Ciolko (admitted *pro hac vice*)  
Mark K. Gyandoh (admitted *pro hac vice*)  
Joseph A. Weeden (admitted *pro hac vice*)  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056

**EDGAR PAUK (EP 1039)**

144 East 44<sup>th</sup> Street, Suite 600  
New York, New York 10017  
Telephone: (212) 983-4000  
Facsimile: (212) 808-9808

*Counsel for Pamela Hosie and Proposed  
Interim Co-Lead Counsel for the Class*

**KOREIN TILLERY, LLC**

Douglas R. Sprong (admitted *pro hac vice*)  
Diane Moore Heitman  
505 N. Seventh St., Suite 3600  
St. Louis, MO 63101  
Telephone: (314) 241-4844  
Facsimile: (314) 588-7036

*Counsel for Paul Caufield and Proposed  
Interim Co-Lead Counsel for the Class*

**GOTTESDIENER LAW FIRM, PLLC**

Eli Gottesdiener  
498 Seventh St.

Brooklyn, NY 11215  
Telephone: (718) 788-1500

*Counsel for Paul Abelman, Valerie R.  
Nutter, Warren Jemmott, Susan Byrd,  
Adriana Vasquez and Cora Nelson-Manley  
and Proposed Interim Co-Lead Counsel for  
the Class*

**CERTIFICATION**

This is to certify that the foregoing documents were served on this the 20<sup>th</sup> day of August, 2008, via the Court's electronic filing system:

- 1) Notice of Motion by Plaintiffs Pamela Hosie, Paul Caufield, Paul Abelman, Valerie R. Nutter, Warren Jemmott, Susan Byrd, Adriana Vasquez and Cora Nelson-Manley to: Consolidate the ERISA Actions; Appoint Interim Co-Lead Class Counsel; and for Entry of Pretrial Order No. 1;
- 2) Memorandum of Law in Support of Plaintiffs Pamela Hosie, Paul Caufield, Paul Abelman, Valerie R. Nutter, Warren Jemmott, Susan Byrd, Adriana Vasquez and Cora Nelson-Manley's Motion to: Consolidate the ERISA Actions; Appoint Interim Co-Lead Class Counsel; and for Entry of Pretrial Order No. 1;
- 3) Plaintiffs Pamela Hosie, Paul Caufield, Paul Abelman, Valerie R. Nutter, Warren Jemmott, Susan Byrd, Adriana Vasquez and Cora Nelson-Manley [Proposed] Pretrial Order No. 1 Consolidating the ERISA Actions and Appointing Interim Co-Lead Class Counsel; and
- 4) Declaration (with attached exhibits) of Edward W. Ciolko in Support of Motion by Plaintiffs Pamela Hosie, Paul Caufield, Paul Abelman, Valerie R. Nutter, Warren Jemmott, Susan Byrd, Adriana Vasquez and Cora Nelson-Manley to: Consolidate the ERISA Actions; Appoint Interim Co-Lead Class Counsel; and for Entry of Pretrial Order No. 1.

/s/ Edward W. Ciolko

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PAMELA HOSIE, :  
Individually and on behalf of all others :  
similarly situated, :  
 : 07 Civ. 9515 (BSJ) (KNF)  
Plaintiff, :  
 :  
- against - :  
 :  
COLGATE-PALMOLIVE COMPANY :  
EMPLOYEE RETIREMENT INCOME :  
PLAN, COLGATE-PALMOLIVE :  
COMPANY, as Plan Administrator, :  
 :  
Defendants. :  
-----X

[Additional captions follow]

**PLAINTIFFS PAMELA HOSIE, PAUL CAUFIELD, PAUL ABELMAN, VALERIE R. NUTTER, WARREN JEMMOTT, SUSAN BYRD, ADRIANA VASQUEZ AND CORA NELSON-MANLEY'S [PROPOSED] PRETRIAL ORDER NO. 1 CONSOLIDATING THE ERISA ACTIONS AND APPOINTING INTERIM CO-LEAD CLASS COUNSEL**

-----X	
PAUL CAUFIELD,	:
Individually and on behalf of all others	:
similarly situated,	:
	: 08 Civ. 3316 (BSJ) (KNF)
Plaintiff,	:
	:
- against -	:
	:
COLGATE-PALMOLIVE COMPANY	:
EMPLOYEES' RETIREMENT INCOME	:
PLAN	:
Defendant.	:
-----X	
-----X	
PAUL ABELMAN, et al.	:
Individually and on behalf of all others	:
similarly situated,	:
	: 08 Civ. 3317 (BSJ) (KNF)
Plaintiffs,	:
	:
- against -	:
	:
COLGATE-PALMOLIVE COMPANY, and	:
COLGATE-PALMOLIVE COMPANY	:
EMPLOYEES' RETIREMENT INCOME	:
PLAN, et al.,	:
Defendants.	:
-----X	



Based on its consideration of the Motion by Plaintiffs Pamela Hosie, Paul Caufield, Paul Abelman, Valerie R. Nutter, Warren Jemmott, Susan Byrd, Adriana Vasquez and Cora Nelson-Manley (“Plaintiffs”) for Consolidation of Related ERISA Actions and for Appointment of Interim Co-Lead Class Counsel, and any responses, argument, and authorities pertaining thereto, and the record in the above-captioned cases, the Court hereby ORDERS as follows:

1. Plaintiffs’ motion to consolidate is GRANTED. Accordingly, the following related actions are hereby consolidated for all purposes, pursuant to FED. R. CIV. P. 42(a):

- *Hosie v. Colgate-Palmolive Co., et al.*, No. 07-9515 (S.D.N.Y.);
- *Caufield v. Colgate-Palmolive Co., et al.*, No. 08-3316 (S.D.N.Y.); and
- *Abelman, et. al. v. Colgate-Palmolive Co., et al.*, No. 08-3317 (S.D.N.Y.);

Based on the Court’s review of the complaints on file in this action and the complaints in the above-captioned ERISA Actions, the lawsuits involve identical questions of law and fact, and consolidating these actions will avoid unnecessary waste of judicial resources and additional cost and delay to the parties.

2. The caption of these consolidated actions shall be “*In re: Colgate-Palmolive Co. ERISA Litigation*” and the files of these consolidated actions shall be maintained in one file under Master File No. 07-CV-9515 (the “Consolidated Action”). Any other actions now pending or later filed in this district which arise out of or are related to the same facts as alleged in the above-identified cases shall, until further order of this Court, be consolidated for all purposes pursuant FED. R. CIV. P. 42(a) into the Consolidated Action, if and when they are brought to the Court’s attention.

3. All pleadings filed in the Consolidated Action, or in any separate action included herein, shall bear the following caption:

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

IN RE COLGATE-PALMOLIVE CO. ERISA  
LITIGATION

)  
) **MASTER FILE NO. 07-CV-9515**  
)  
)  
)  
)

---

THIS DOCUMENT RELATES TO:

---

4. When a pleading or other court paper filed in the Consolidated Action is intended to apply to all actions therein, the words “All Actions” shall appear immediately after the words “THIS DOCUMENT RELATES TO:” in the caption set out above. When a pleading or other court paper is intended to be applicable to less than all such actions, the party filing the document shall indicate, immediately after the words “THIS DOCUMENT RELATES TO:” the action(s) to which the document is intended to be applicable by last name of the plaintiff(s) and the docket number(s).

5. Movant’s selection of Schiffrin Barroway Topaz & Kessler, LLP, Korein Tillery, LLC, Gottesdiener Law Firm, PLLC and Edgar Pauk, Esq. to serve as Interim Co-Lead Class Counsel is approved. Schiffrin Barroway Topaz & Kessler, LLP, Korein Tillery, LLC, Gottesdiener Law Firm, PLLC and Edgar Pauk, Esq. are hereby appointed Interim Co-Lead Class Counsel in the Consolidated Action.

6. Interim Co-Lead Class Counsel shall have the authority to perform or delegate the performance of the following matters on behalf of all Plaintiffs in the Consolidated Action:

- (a) directing, coordinating, and supervising the prosecution of Plaintiffs’ claims in the Consolidated Action;
- (b) initiating, responding to, scheduling, briefing, and arguing all motions;

- (c) appearing at all hearings and conferences regarding the case;
- (d) determining the scope, order, and conduct of all discovery proceedings;
- (e) assigning work to Plaintiffs' counsel as necessary and appropriate under the circumstances;
- (f) retaining experts;
- (g) communicating with the Court;
- (h) communicating with Defendants' counsel;
- (i) conducting settlement negotiations on behalf of Named Plaintiffs and the class;
- (j) collecting and reviewing time and expense records from all Plaintiffs' counsel on a monthly basis and at the conclusion of the case, as necessary and appropriate under the circumstances, and submitting a fee and costs application;
- (k) coordinating activities to avoid duplication and inefficiency in the filing, serving, and/or implementation of pleadings, other court papers, discovery papers, and discovery practice, and, generally, in the litigation; and
- (l) performing such other duties that may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

7. Interim Co-Lead Class Counsel shall have authority to communicate with Defendants' counsel and the Court. Interim Co-Lead Class Counsel shall also have the authority to enter into agreements with Defendants' counsel that are binding on all Plaintiffs.

8. Defendants may satisfy their service obligations under Fed. R. Civ. P. 5(a) by serving Interim Co-Lead Class Counsel.

9. Interim Co-Lead Class Counsel shall confer with counsel for Defendants and, within two weeks from the date of this Order, or as soon as practicable thereafter, Plaintiffs and Defendants shall submit a proposed preliminary schedule including the following:

- (a) The date by which Plaintiffs will file a Consolidated Complaint;
- (b) The date by which Defendants will answer or otherwise respond to the Consolidated Complaint; and
- (c) The date by which Plaintiffs will move for Class certification.

IT IS SO ORDERED.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

---

UNITED STATES DISTRICT JUDGE

Presented by,

**SCHIFFRIN BARROWAY  
TOPAZ & KESSLER, LLP**

Joseph H. Meltzer (admitted *pro hac vice*)  
Edward W. Ciolko (admitted *pro hac vice*)  
Mark K. Gyandoh (admitted *pro hac vice*)  
Joseph A. Weeden (admitted *pro hac vice*)  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056

**EDGAR PAUK (EP 1039)**  
144 East 44<sup>th</sup> Street, Suite 600  
New York, New York 10017  
Telephone: (212) 983-4000  
Facsimile: (212) 808-9808

*Counsel for Pamela Hosie and Proposed  
Interim Co-Lead Counsel for the Class*

**KOREIN TILLERY, LLC**  
Douglas R. Sprong (admitted *pro hac vice*)

Diane Moore Heitman  
505 N. Seventh St., Suite 3600  
St. Louis, MO 63101  
Telephone: (314) 241-4844  
Facsimile: (314) 588-7036

*Counsel for Paul Caufield and Proposed  
Interim Co-Lead Counsel for the Class*

**GOTTESDIENER LAW FIRM, PLLC**

Eli Gottesdiener  
498 Seventh St.  
Brooklyn, NY 11215  
Telephone: (718) 788-1500

*Counsel for Paul Abelman, Valerie R.  
Nutter, Warren Jemmott, Susan Byrd,  
Adriana Vasquez and Cora Nelson-Manley  
and Proposed Interim Co-Lead Counsel for  
the Class*